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PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

HEARING DATE: June 27, 2002

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA 02-0016 for Use Permit.

PROPOSAL: Use Permit request to construct a 17-foot high detached garage/workshop structure within the rear setback area of the building site. The permitted height for accessory structures within the setback area is 12 feet. The structure would also cover 38% of the rear setback area instead of the permitted 25%. The structure will not exceed the overall building site coverage of 35% for the entire site.

LOCATION: 1392 La Colina Drive, in Unincorporated Tustin within the Third Supervisorial District.

APPLICANT: Troy & Tracie Blankenship, applicant/owner

STAFF CONTACT: James Thue, Project Manager
Phone: (714) 834-2179 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA 02-0016 subject to findings and conditions.

BACKGROUND:

The subject property is zoned 100-E4 "Small Estates" District (the number preceding the zone denotes the minimum required building site width in feet). The width of the subject site is 110 feet. The purpose of the "Small Estates" District is to provide for the maintenance of low to medium density single-family residential neighborhoods in which open spaces and deep setbacks predominate. Setbacks for the subject site require 30 feet for the front, 25 for the rear, and 6 feet for the side yard. The existing primary residential structure satisfies all the required setbacks. Zoning Code Section 7-9-137 states that accessory structures may be located anywhere on the property, however the proposed structure will exceed the height limit in the rear yard setback area as well as the permitted setback area coverage of the rear yard area and therefore needs approval of a Use Permit.

The subject site was built in 1952 as a single-family residence with attached garage. In 1975 a 299 square foot addition was built. The addition enlarged the kitchen and an existing bedroom. The existing building site coverage for the project is 25.9%.

SURROUNDING LAND USE:

The subject property is located on the corner of La Colina Drive and Kenwood Lane. All neighboring homes are located in the E4 “Small Estates” District. Neighborhoods south of Kenwood Lane are zoned R1 “Single-family Residence” District. The property is located within the realm of the North Tustin Advisory Committee (NTAC).

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed and posted as required by State law. The proposal was sent to the North Tustin Advisory Committee who reviewed and unanimously approved the proposed project on February 20, 2002. NTAC has requested that the applicant provide landscaping for provide a buffer to the surrounding neighbors. NTAC also requested that the applicant provide exterior finishes on all four sides consistent with the facade. Staff has incorporated NTAC recommendations into the Conditions of Approval for the project (see Appendix B). A neighbor expressed concern with the height and close proximity of the structure to his property line. The applicant has revised the plan to address these issues.

CEQA COMPLIANCE:

The project is Categorically Exempt (Class 1) from the provisions of the California Environmental Quality Act (CEQA).

DISCUSSION/ANALYSIS:

The lot size of the property is 9,000 square feet. The existing structure includes 2,336 square feet and contains three bedrooms and two bathrooms with an attached garage. The applicant is proposing to construct a new detached garage/workshop with an attached bathroom in the rear setback area. The new garage/workshop will measure 813 square feet bringing the total coverage on the property to 3,149 square feet or 34.9% of the property. Therefore, the structure will not exceed the overall building site coverage of 35% for the entire site. However, the structure will exceed the 25% permitted coverage of the rear setback area.

The applicant has reduced the size of the proposed garage/workshop from the initial application submitted, 1,115 to 813 square feet (a reduction of 302 square feet). The setback was increased from 5 feet from the rear property line to 7 feet 6 inches from the rear property line. The size was also reduced from a maximum height of 20 feet 6 inches to 17 feet in height. Zoning Code Section 7-9-137(e) states that accessory structures are limited to a height of 12 feet within the rear yard setback unless a Use Permit is approved to increase the maximum permitted height. Zoning Code Section 7-9-137(f) states that accessory structures are limited to 25% coverage of the rear setback area. The applicant is proposing to cover 38% of the 25-foot rear yard setback area. Therefore, a Use Permit is required for the construction of this structure.

Attached to the garage/workshop will be a 5.5' X 14' bathroom. Also, attached to the structure will be an 11.5' X 18' patio. The patio will be located 27' from the back of the residence. An existing mature tree is located between the residence and the proposed structure. The applicant has submitted this application to locate the proposed structure in a position that will allow this existing tree to remain while achieving the desired improvements. Consideration of this Use Permit application is required in order to preserve the tree.

A driveway and gate currently exist in the side-rear yard. The driveway currently used to store a trailer, will be used to gain access to the proposed garage. The proposed garage will be setback 22 feet from the left

property line, which is 7' from the back of curb. The applicant has provided evidence that similar projects have been constructed in the surrounding community (see Exhibit #2).

The neighbor to the south, directly behind the site, has a row of trees that run along the border between the two properties. In order to provide additional screening between the over-height structure, which will be near the property line and the neighboring residences, the applicant will plant small trees, shrubs, and vines on the project site. The proposed structure will be designed with vertical wood slats and stone veneer to match the design of the existing residence. Staff believes that the over-height structure will not have a significant visual impact on the neighborhood because of the existing landscaping, the proposed landscaping, and the design. Setbacks for the main structure will still be satisfied and the over-all building site coverage for the property will be in compliance even though the coverage for the rear yard setback area will exceed the 25% maximum as set-forth in Zoning Code Section 7-9-137(f).

CONCLUSION OR SUMMARY:

The applicant will provide adequate landscaping and screening to buffer the site from surrounding neighbors. Staff believes that special circumstances exist including existing landscaping and a tree in the rear yard, which prohibit the structure to be placed on another portion of the property. If the structure were moved closer to the residence it would upset the balance of the property. NTAC approved the original plan. However, the applicant made revisions in order to make the structure fit in with the surrounding land uses. Staff supports the approval of this Use Permit for an over-height structure within the rear yard setback.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 02-0016 for a Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Section Chief
CPSD/Site Planning Section

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ATTACHMENTS:

- Appendix A. Recommended Findings
- Appendix B. Recommended Conditions of Approval
- Appendix C. Project Site Photograph

EXHIBITS:

1. Applicant's Letter of Explanation
2. Applicant's Research
3. Project Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.